
HOUSE BILL No. 1454

DIGEST OF INTRODUCED BILL

Citations Affected: IC 29-3-7-7; IC 31-30-1-2.5.

Synopsis: Limits on sex offenders as guardians or custodians. Prohibits a court from appointing a person to serve as a guardian or to continue to serve as a guardian if the person committed certain sex offenses. Prohibits a court or juvenile court from permitting a person to serve as a guardian or custodian if the person was convicted as an adult of certain sex offenses that the person committed when the person was less than 18 years of age.

Effective: Upon passage.

Burton

January 13, 2009, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1454

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 29-3-7-7 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 7. A court may not appoint a person to**
4 **serve as the guardian or permit a person to continue to serve as a**
5 **guardian if the person:**

6 (1) **is a sexually violent predator (as described in**
7 **IC 35-38-1-7.5);**

8 (2) **was at least eighteen (18) years of age at the time of the**
9 **offense and was convicted of child molesting (IC 35-42-4-3) or**
10 **sexual misconduct with a minor (IC 35-42-4-9) against a child**
11 **less than sixteen (16) years of age:**

12 (A) **by using or threatening the use of deadly force;**

13 (B) **while armed with a deadly weapon; or**

14 (C) **that resulted in serious bodily injury; or**

15 (3) **was less than eighteen (18) years of age at the time of the**
16 **offense and was convicted as an adult of:**

17 (A) **an offense described in:**

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- (i) IC 35-42-4-1;
 - (ii) IC 35-42-4-2;
 - (iii) IC 35-42-4-3 as a Class A or Class B felony;
 - (iv) IC 35-42-4-5(a)(1);
 - (v) IC 35-42-4-5(a)(2);
 - (vi) IC 35-42-4-5(a)(3);
 - (vii) IC 35-42-4-5(b)(1) as a Class A or Class B felony;
 - (viii) IC 35-42-4-5(b)(2); or
 - (ix) IC 35-42-4-5(b)(3) as a Class A or Class B felony;
- (B) an attempt or conspiracy to commit a crime listed in clause (A); or**
- (C) a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) and (B).**

SECTION 2. IC 31-30-1-2.5, AS ADDED BY P.L.173-2006, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. A juvenile court may not appoint a person to serve as the guardian or custodian of a child **or permit a person to continue to serve as a guardian or custodian of a child** if the person:

- is:
- (1) ~~is~~ a sexually violent predator (as described in IC 35-38-1-7.5);
 - ~~or~~
 - (2) ~~a person who~~ was at least eighteen (18) years of age at the time of the offense and ~~who~~ committed child molesting (IC 35-42-4-3) or sexual misconduct with a minor (IC 35-42-4-9) against a child less than sixteen (16) years of age:
 - (A) by using or threatening the use of deadly force;
 - (B) while armed with a deadly weapon; or
 - (C) that resulted in serious bodily injury; **or**
 - (3) was less than eighteen (18) years of age at the time of the offense but was tried and convicted as an adult of:**
 - (A) an offense described in:**
 - (i) IC 35-42-4-1;
 - (ii) IC 35-42-4-2;
 - (iii) IC 35-42-4-3 as a Class A or Class B felony;
 - (iv) IC 35-42-4-5(a)(1);
 - (v) IC 35-42-4-5(a)(2);
 - (vi) IC 35-42-4-5(a)(3);
 - (vii) IC 35-42-4-5(b)(1) as a Class A or Class B felony;
 - (viii) IC 35-42-4-5(b)(2); or
 - (ix) IC 35-42-4-5(b)(3) as a Class A or Class B felony;
 - (B) an attempt or conspiracy to commit a crime listed in**

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1 clause (A); or
2 (C) a crime under the laws of another jurisdiction,
3 including a military court, that is substantially equivalent
4 to any of the offenses listed in clauses (A) and (B).

5 SECTION 3. [EFFECTIVE UPON PASSAGE] IC 31-30-1-2.5, as
6 amended by this act, applies to proceedings pending on or initiated
7 on or after the effective date of this SECTION.

8 SECTION 4. An emergency is declared for this act.

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